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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BEKERMANN, MICHAEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,850

Applicant(s)

BELLARE ET AL.

Examiner

Michael Bekerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/25/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: step S26 in figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On page 10, line 12, step S11 is referred to as S1. Also, on page 13, line 13, the performance goal is cited as being assigned to the affiliate by the affiliate. The second affiliate needs to be changed to merchant.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 16 and 62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear what the step of overriding involves exactly.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 20 and 66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 47 include a step involving the merchant accepting a selection by the affiliate before moving to the next step. This makes the claim scope of claims 20 and 66 unclear, as the step of assigning a compensation plan to the affiliate appears to conflict with Claims 1 and 47.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-46 are rejected under 35 U.S.C. 101 because the claims are not "within the technological arts." The inclusion of a computer to input, transmit or output data is taken as a trivial recitation of technology which is not enough to put the claims within the technological arts. Applicant must include a non-trivial computer limitation (e.g. a calculation) in the body of the claims. The examiner suggests specifying a computer as performing the steps of the method in claims 1 and 29. See below for the basis for this rejection.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409

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U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis: The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. In re Toma at 857.

In Toma, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in State Street Bank & Trust Co. v. Signature Financial Group, Inc. never addressed this prong of the test. In State Street Bank & Trust Co., the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See State Street Bank & Trust Co. at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but rather under §§102, 103 and 112." See State Street Bank & Trust Co. at 1377. Both of these analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, State Street abolished the Freeman-Walter-Abele test used in Toma. However, State Street never addressed the second part of the analysis, i.e., the "technological arts" test established in Toma because the invention in State Street (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the Toma test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See Ex parte Bowman, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 6-9, 17, 20, 21, 26, 27, 47, 52-55, 63, 66, 67, 72, and 73 are rejected

under 35 U.S.C. 102(e) as being anticipated by Lipin (U.S. Pub. No. 2004/0225558).

Lipin shows a method and system for compensating an affiliate that includes all of the limitations recited in the above claims.

10. Referring to claims 1 and 47, Lipin teaches a method and system involving the defining of a plurality of compensation plans (a system with multiple merchants will involve a plurality of plans) (Paragraph 0027), the exposing of at least one selected compensation plan of the plurality to the affiliate (Paragraph 0033, Sentence 8), the accepting of a selection by the affiliate of a compensation plan (Paragraph 0033, Sentence 2), and the measuring of traffic to the merchant website that originates from the affiliate website and applying the measured traffic to the compensation plan selected by the affiliate to determine the compensation due to the affiliate (Paragraph 0027).

11. Referring to claims 6 and 52, Lipin teaches traffic to the merchant site as being measured according to at least one predetermined measure, the predetermined measure being generated revenue, number of orders, and click-throughs (Paragraph 0026).

12. Referring to claims 7, 8, 53, and 54, Lipin teaches the compensation due to the affiliate as being determined according to a fixed percentage of a predetermined measure (completed transactions) or a fixed value (Paragraph 0027, Sentence 2).

13. Referring to claims 9 and 55, Lipin teaches the affiliate as being compensated with currency preferred by the affiliate (the fixed amount of money) (Paragraph 0027, Sentence 2).

14. Referring to claims 17 and 63, Lipin teaches a step of assigning at least one compensation plan to a sub-affiliate, the affiliate being further compensated based upon traffic to the merchant website originating from a website of the sub-affiliate (Paragraphs 0033 and 0034).

15. Referring to claims 20 and 66, Lipin teaches the assigning of a default compensation plan to the affiliate (It appears that each merchant could have 1 plan, and thus, it would be a default) (Paragraph 0027, Sentence 1).

16. Referring to claims 21 and 67, Lipin teaches a step of registering a potential affiliate as an affiliate upon completing a registration procedure (Paragraph 0033, Sentence 3).

17. Referring to claims 26 and 72, Lipin teaches a step of setting up at least one link to the merchant web site on the affiliate site, the at least one link being associated with the at least one selected compensation plan selected by the affiliate (Paragraph 0018, Sentence 1).

18. Referring to claims 27 and 73, Lipin teaches compensation plans that implement a sales strategy of the merchant (the implementation of a commission program based on sales constitutes a sales strategy) (Paragraph 0027).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. **Claims 29, 34-37, 41, 43, and alternatively 1, 6-9, 17, 20, 21, 26, 27, 52-55, 63, 66, 67, 72, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipin (U.S. Pub. No. 2004/0225558).**

Regarding claim 29, Lipin teaches an affiliate being able to review a plurality of compensation plans exposed to the affiliate at a 3rd party site. Lipin also teaches an affiliate being able to join an individual affiliate program through a merchant site. Lipin also teaches that merchants can choose to alter various types of plans with different features. Although Lipin appears to provide an example of each merchant offering only a single plan, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have enabled a merchant to offer multiple plans. This would allow flexibility in signing up affiliates. Lipin doesn't teach the multiple compensation plans as being exposed through an individual merchant's website. It would have been obvious to one having ordinary skill in the art at the time the invention

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was made for there to be multiple links to different merchant compensation plans located on the merchant website. This would provide less stress for the affiliate while attempting to make a decision. Alternatively, Claims 1, 6-9, 17, 20, 21, 26, 27, 52-55, 63, 66, 67, 72, and 73 can also be rejected using this same reasoning. Regarding claims 20 and 66, official notice is taken that, it is well known that upon implementation of a system in which responses are required from a user before continuing to the next step, default responses would be available for assignment to the user. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include default responses in the method of Lipin. This would ensure process continuation should the affiliate be unsure about a method of compensation.

Regarding claims 34-37 can be rejected with the same teaching as claims 6-9 and 52-55. Claim 41 can be rejected with the same teaching as claims 17 and 63. Claim 43 can be rejected with the same teaching as claims 21 and 67.

21. Claims 2-4, 10, 13-16, 22, 30-32, 38, 48-50, 56, 59-62, and 68 rejected under 35 U.S.C. 103(a) as being unpatentable over Lipin (U.S. Pub. No. 2004/0225558) in view of Koppelman (U.S. Pub. No. 2004/0039640).

Regarding claims 2, 30, and 48, Lipin doesn't teach a compensation plan in which the compensation due the affiliate varies according to a predetermined date interval. Koppelman teaches a compensation plan in which sales targets are attained during a defined time period (Paragraph 0005, Sentence 1). A defined time period can be a predetermined date interval. It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the compensation plan

of Koppelman within the system of Lipin. This would allow the affiliate another different compensation plan from which to choose.

Regarding claims 3, 4, 31, 32, 49, and 50, Lipin doesn't teach a compensation plan with any threshold quantity to be reached. Koppelman teaches a compensation plan in which a commission is earned according to a first percentage rate of sales until a threshold quantity is reached (number of sales), and then a commission is earned according to a second percentage rate (Paragraph 0005, Sentence 2). Koppelman also teaches the second percentage rate as being applied retroactively to the sales prior to reaching the first threshold quantity (Paragraph 0133, Sentence 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the compensation plan of Koppelman within the system of Lipin. This would allow the affiliate another different compensation plan from which to choose.

Regarding claims 10, 38, and 56, Lipin doesn't teach a compensation plan using a bonus system. Koppelman teaches a compensation system in which commissions include a bonus after a threshold quantity of a predetermined measure is reached (Paragraph 0005, Sentence 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the compensation plan of Koppelman within the system of Lipin. This would allow the affiliate another different compensation plan from which to choose.

Regarding claims 13, 14, 59, and 60, Lipin doesn't teach the assigning of a performance goal to the affiliate. Koppelman teaches a compensation plan including the assigning of a performance goal (quota) to an affiliate, the measuring of that

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affiliates performance, and the comparing of the affiliate's performance to the performance goal assigned the affiliate (Paragraph 0082). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the performance measuring system of Koppelman into the method of Lipin. This would allow merchants to better utilize their resources by only paying affiliates with better performance rates.

Regarding claims 15 and 61, Lipin doesn't teach a measuring step carried out over a selectable interval. Koppelman teaches a compensation plan including a measuring step to determine compensation over a time period (Paragraph 0005, Sentence 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Koppelman's measuring step in the method of Lipin. This would allow easier term payments for the merchant, as opposed to constant payments for every sale or click-through.

As best understood, regarding claims 16 and 62, Lipin doesn't teach a step of overriding a compensation plan selected by the affiliate. Koppelman teaches the altering of a compensation plan from the previous month using a "catch up" system (Paragraph 0087, Sentences 4 and 5). Examiner considers Koppelman's "catch up" system to use a step of overriding. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the overriding step of Koppelman in the system of Lipin. This would allow changes to be made to the compensation plan in case problems should occur (breach of contract by the affiliate).

Regarding claims 22 and 68, Lipin doesn't teach a system for profiling affiliates. Koppelman teaches a compensation system with a step of profiling sales representatives (affiliates) based on the amount of sales (traffic) they attain (Paragraph 0098). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Koppelman's step of profiling to the system of Lipin. This would give merchants a system to easily remember which affiliate sites make them the most money.

22. Claims 11, 12, 23, 39, 40, 44, 57, 58, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipin (U.S. Pub. No. 2004/0225558) in view of Barber (U.S. Patent No. 6,289,318).

Regarding claims 11, 12, 39, 40, 57, and 58, Lipin doesn't specify compensation through non-monetary credits. Barber teaches a commission system in which the compensation due the affiliate includes non-monetary credits; the non-monetary credits comprising frequent flyer miles (travel miles) (Column 5, Lines 35-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the non-monetary credits of Barber in the method of Lipin. This would allow affiliates who don't want monetary rewards to be paid in a system more to their liking.

Regarding claims 23, 44, and 69, Lipin doesn't teach the measuring of traffic to the merchant website that originates from a site other than the affiliate website, but whose first visit to the merchant website originated from the affiliate website. Barber teaches a commission model in which a participating merchant (affiliate) can get credit for traffic going to a paying merchant's website as long as they are apart of the stream

of influence that swept the traffic to that paying merchant's website (the affiliate doesn't need to be the last site visited before the paying merchant receives the traffic) (Column 6, Lines 53-61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the stream of influence system of Barber into the compensation method of Lipin. This would allow affiliates to get credit for referring customers to the merchant website, even if the customer didn't go to the merchant website directly from the affiliate site.

23. Claims 5, 33, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipin (U.S. Pub. No. 2004/0225558) in view of Bezos (U.S. Patent No. 6,029,141).

Lipin doesn't teach a compensation plan in which the compensation due the affiliate varies according to defined product categories. Bezos teaches a customer referral system compensation due the affiliate varies according to the type of product sold (Column 7, lines 41-45). Examiner interprets each product to be a separate category. It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the compensation plan of Bezos within the system of Lipin. This would allow the affiliate another different compensation plan from which to choose.

24. Claims 18, 19, 42, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipin (U.S. Pub. No. 2004/0225558) in view of Kahn (U.S. Patent No. 6,401,079).

Lipin doesn't specify merchant being able to select a pay calendar. Lipin also doesn't teach the adding of several affiliates to a pay group. Kahn teaches a payroll system in which the employer (merchant) assigns employees (affiliates) to a payroll group, and then assigning a pay cycle (calendar) to the group (Column 36, Lines 22, 23, and 53-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the payroll system of Kahn in the compensation method of Lipin. This would allow merchants to handle the payment for the affiliates in a more timely fashion.

25. Claims 24, 25, 45, 46, 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipin (U.S. Pub. No. 2004/0225558) in view of Tarvydas (U.S. Pub. No. 2002/0038255).

Lipin doesn't teach the receiving of customer authentication information from an affiliate. Tarvydas teaches a shopping system in which the customer never has to enter the merchant's site to place the order. Instead, the customer authentication and payment information is sent to the merchant through the shopping site (affiliate) accessed by the customer (Paragraph 0011, Sentence 4 and Paragraph 0012, Sentence 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the customer authentication method of Tarvydas in the compensation system of Lipin. This would allow the merchant site easier access to customer information and it would also allow customers the ability to place orders more quickly.

26. Claims 28 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipin (U.S. Pub. No. 2004/0225558) in view of Joao (U.S. Pub. No. 2001/0037205).

Lipin doesn't teach a third party that maintains a plurality of mass affiliates compensated by compensation plans that differ from the defined plurality of compensation plans. Joao teaches an apparatus for effectuating an affiliated marketing relationship that acts as a third party and manages the financial accounts for content providers (affiliates) (Paragraph 0021, Sentence 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the third party affiliate managing apparatus of Joao in the system of Lipin. This would allow the affiliates to keep their accounts better organized.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to computer assisted compensation methods:

U.S. Patent No. 6,055,511 to Luebbering

U.S. Pub. No. 2001/0020231 to Perri

The following references are cited to further show the state of the art with respect to internet advertising methods:

U.S. Pub. No. 2002/0161648 to Mason


U.S. Pub. No. 2004/0020231 to Matsumoto

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB


JEFFREY D. CARLSON
PRIMARY EXAMINER